IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JOHN WILSON,)	
Plaintiff,)	Case No. 3:06-0346
Tiamuni,)	Judge Nixon
v.)	Magistrate Judge Brown
IO ANNE D DADNIJADT)	
JO ANNE B. BARNHART, Commissioner of Social Security,)	
Commissioner of Social Security,)	
Defendant.)	
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<u>ORDER</u>

Pending before the Court is Plaintiff's Motion for Judgment on the Administrative Record ("Motion") (Doc. No. 12), filed with an accompanying brief in support (Doc. No. 12), to which Defendant has filed a Response in Opposition (Doc. No. 16) and Plaintiff has filed a Reply (Doc. No. 17). Magistrate Judge Brown has issued a Report and Recommendation (Doc. No. 18) that Plaintiff's Motion be denied, that the decision of the Commissioner of Social Security ("Commissioner") be affirmed, and that Plaintiff's request for remand pursuant to Section Six of 42 U.S.C. § 405(g) be denied. Plaintiff has not filed any objections to the Report and Recommendation.

Plaintiff moves the Court to reverse the decision of the Administrative Law Judge ("ALJ"), as affirmed by the Appeals Council, and remand the case to the Social Security Administration ("Administration"), in accordance with Sentence Four of § 405(g) on the grounds that the decision of the ALJ is not supported by substantial evidence, because the (1) decision of the ALJ – that the onset of disability date is March 27, 2002 – is supported by "no evidence" as admitted by the ALJ; (2) the ALJ failed to given controlling weight to the medical opinion of Plaintiff's treating psychiatrist, Dr. Frederick W. Schaerf; and (3) the ALJ failed to obtain

additional medical evidence in accordance with 20 C.F.R. § 404.1527(c)(3). Alternatively, Plaintiff requests that the decision of the ALJ, as affirmed by the Appeals Council, should be remanded to the Commissioner in accordance with Sentence Six of § 405(g) for the ALJ's consideration of new and material evidence. Defendant moves the Court to affirm the Commissioner's final determination that Plaintiff was not disabled within the meaning of the Social Security Act ("Act") prior to March 27, 2002, his established onset date of disability, because the ALJ's conclusion was both reasonable and supported by substantial evidence in the administrative record and the Commissioner applied the proper legal standards.

After review, the Court hereby **DENIES** Plaintiff's Motion and **AFFIRMS** the decision of the Administration. Further, the Court hereby **DENIES** Plaintiff's request for remand pursuant to Section Six of 42 U.S.C. § 405(g). This Order terminates this Court's jurisdiction over the above-styled action and the case is **DISMISSED**.

It is so ORDERED.

Entered this the 6 day of Decan be, 2006.

JOHN T. NIXON, SENIOR JUBGE UNITED STATES DISTRICT COURT